Case Summary — AUTOTRAC v. Manoel Carlos Pereira Lopes

Case No. 0713677-47.2024.8.07.0001
3ª Vara de Execução de Títulos Extrajudiciais e Conflitos Arbitrais de Brasília (TJDFT)

Type of Action

Execução de Título Extrajudicial — Debt collection enforcement filed by AUTOTRAC based on a private contract deemed enforceable without a full trial.

Parties

- **Exequente (Enforcing Creditor):** AUTOTRAC Comércio e Telecomunicações S/A.
- **Executado (Debtor):** Manoel Carlos Pereira Lopes.

Core Dispute

AUTOTRAC filed an execution suit against Manoel to collect an alleged contract debt. Although the contract included a “cláusula de eleição de foro” (forum-selection clause) naming Brasília as the competent venue, the company filed the case in Imperatriz/MA, where the debtor resided. The Imperatriz judge declared the court incompetent and transferred the case to Brasília after preliminary acts, but Brasília disagreed—holding that forum-selection concerns competência relativa (relative jurisdiction), which can’t be declared ex officio. The jurisdictional clash triggered a conflict of competence that escalated to the Superior Tribunal de Justiça (STJ), delaying the process for months.

(Sources: 01-Brasilia-Suscits-Competence-Conflict.pdf.pdf; 02-Execution-SUSPENDED-Pending-STJ.pdf.pdf; 03-STJ-DECISION-Declares-Imperatriz-Competent.pdf.pdf; 04-Brasilia-Orders-Remittal-to-Imperatriz.pdf.pdf)

Jurisdictional Timeline (2024)

1. **Case Filing (09/04/2024)**
   - AUTOTRAC initiates execution in **Imperatriz/MA**, despite a Brasília forum clause. *(Source: 01-Brasilia-Suscits-Competence-Conflict.pdf.pdf)*
2. **Incompetence Declared (17/04/2024)**
   - The Imperatriz court declares itself **incompetent** and sends the file to Brasília—after already citing the debtor and taking initial steps. *(Source: 01-Brasilia-Suscits-Competence-Conflict.pdf.pdf)*

3. **Conflict Raised in Brasília (17/04/2024)**
    - The Brasília judge refuses the transfer, stating that **relative competence cannot be declared by the court itself**, and **raises a conflict of competence** to the STJ.
      (Source: 01-Brasilia-Suscits-Competence-Conflict.pdf.pdf)
4. **Suspension Pending Decision (31/07/2024)**
    - Brasília suspends the case until the STJ resolves the jurisdictional conflict.
      (Source: 02-Execution-SUSPENDED-Pending-STJ.pdf.pdf)
5. **STJ Decision (19/08/2024)**
    - The STJ sides with Imperatriz, applying **Súmula 33/STJ**, which states: *"A incompetência relativa não pode ser declarada de ofício"* ("Relative incompetence cannot be declared ex officio"). Imperatriz is deemed competent.
      (Source: 03-STJ-DECISION-Declares-Imperatriz-Competent.pdf.pdf)
6. **Remittal Ordered (21–28/08/2024)**
    - Brasília receives the STJ ruling, formally remits the case back to Imperatriz, and closes the file.
      (Source: 04-Brasilia-Orders-Remittal-to-Imperatriz.pdf.pdf)

Current Status

As of late August 2024, the case has been transferred back to Imperatriz/MA, restarting the debt collection there after four months of procedural limbo. No substantive enforcement occurred; the record reflects only jurisdictional wrangling.

Summary Assessment

This execution became a jurisdictional farce. AUTOTRAC's filing error—ignoring its own forum clause—sparked a months-long conflict between Imperatriz and Brasília that required intervention from the STJ. The final ruling confirmed that Imperatriz retained competence because the issue was relative, not absolute. After all the procedural chaos, AUTOTRAC achieved nothing substantive—just another delay-ridden episode in its pattern of careless litigation.